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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 UNITED STATES OF AMERICA,)	No. CR 13-00352-YGR
)	
12 Plaintiff,)	STIPULATION REGARDING DISCOVERY
)	
13 vs.)	Date: Nov. 13, 2013
)	Time: 9:00 a.m.
14 JAMES RATLIFF,)	
)	
15 Defendant.)	
)	

16 This matter is set for revocation hearing on November 13, 2013 at 9:00 a.m. Hon. Donna
17 M. Ryu, United States Magistrate Judge, on June 12, 2013, ordered the United States Probation
18 Officer to promptly provide both parties with a copy of the Presentence Report as well as
19 discovery in the case. The Probation Officer has provided a number of items to the parties. The
20 Probation Officer will not provide the parties with copies of a statement that was taken from the
21 alleged victim, because the statement was taken by the Probation Officer after the Violation
22 petition was filed. According to the Probation Officer, her office protocol does not consider
23 items to be discovery unless they form part of the basis of the revocation charge. Thus, any
24 investigation by the Probation Office after a charge is filed would not be discoverable. Both of
25 the undersigned parties do consider this evidence to be relevant, material, and discoverable in the
26

1 coming hearing. The parties thus jointly request that the Probation Office be ordered to turn over
2 to the parties copies of any recorded statements of, or communications with, any potential
3 witnesses in this case, as well as any physical evidence relevant to the charges in this case. The
4 parties agree that the items will be governed by the Protective Order previously entered in this
5 case.

6
7 DATED: November 6, 2013

/s/

MICHELLE KANE
Assistant United States Attorney

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9
10 DATED: November 6, 2013

/s/

JOHN PAUL REICHMUTH
Assistant Federal Public Defender
Counsel for JAMES RATLIFF

11
12
13 **ORDER**

14 Based on the reasons provided in the stipulation of the parties above,

15 IT IS HEREBY ORDERED that the Probation Office provide to the parties copies of any
16 recorded statements of, or communications with, any potential witnesses in this case, as well as
17 any physical evidence relevant to the charges in this case. Discovery produced under this Order
18 will be governed by the Protective Order previously entered in this case.
19

20
21
22 November 7, 2013



THE HONORABLE DONNA M. RYU
UNITED STATES MAGISTRATE JUDGE